



Mutual Learning Programme

DG Employment, Social Affairs and Inclusion

Peer Country Comments Paper – Greece

Why an EU Directive on Pay Transparency is more important than ever amid the pandemic?

**Peer Review on “Reducing the gender pay gap through pay
transparency - legislative measures and digital tools
targeted at employers”**

Online, 15-16 April 2021



EUROPEAN COMMISSION

Directorate-General for Employment, Social Affairs and Inclusion

Unit A1

Contact: Shui-Beam LAM

E-mail: EMPL-A1-UNIT@ec.europa.eu

Web site: <http://ec.europa.eu/social/mlp>

European Commission

B-1049 Brussels

Mutual Learning Programme

DG Employment, Social Affairs and Inclusion

Directorate-General for Employment, Social Affairs and Inclusion

Peer Review on "Reducing the gender pay gap through pay transparency - legislative measures and digital tools targeted at employers"

Online, 15-16 April 2021

April 2021

**Europe Direct is a service to help you find answers
to your questions about the European Union.**

Freephone number (*):

00 800 6 7 8 9 10 11

(*) The information given is free, as are most calls (though some operators, phone boxes or hotels may charge you).

LEGAL NOTICE

The information contained in this publication does not necessarily reflect the official position of the European Commission

This document has received financial support from the European Union Programme for Employment and Social Innovation "EaSI" (2014-2020). For further information please consult: <http://ec.europa.eu/social/easi>

© European Union, **2021**

Reproduction is authorised provided the source is acknowledged.

Table of Contents

1	Introduction	1
2	Situation in the peer country	1
2.1	Statistical data on the gender pay gap	1
2.2	Key factors influencing the gender pay gap	2
3	Legislative and policy measures to support equal pay	3
3.1	National legislation and case law on equal pay	3
3.2	No national legislation, case law or policy on pay transparency	4
4	Considerations for future policies and initiatives.....	7
5	Questions	7
6	List of references	9
	Annex 1 Summary table	10

1 Introduction

This paper has been prepared for the Peer Review on "Reducing the gender pay gap through pay transparency: legislative measures and digital tools targeted at employers" within the framework of the Mutual Learning Programme. It provides a comparative overview and assessment of the policy situation in Greece relative to that in the host country (Estonia). For further information on the host country policy example, please refer to the Host Country Discussion Paper.

2 Situation in the peer country

2.1 Statistical data on the gender pay gap

According to European Institute for Gender Equality (EIGE) (2019)¹, Greece's score in the domain of work² is 64.2 (EU average 72.0), showing progress of 1.7 points since 2005 (no change since 2015). With this score, Greece has the lowest score in the European Union (EU) after Slovakia. The employment rate (of people aged 20-64 years) is 49% (EU 67%) for women and 70% (EU 79%) for men. With the overall employment rate of 60% (EU 73%), Greece has not reached its national EU 2020 employment target of 70% (EU 75%). Between 2005 and 2017 the full-time equivalent (FTE) employment rate in Greece decreased from 34% to 31% (EU 41%) for women and from 61 % to 48% (EU 57%) for men, narrowing the gender gap (from 27 percentage points (p.p.) to 17 p.p.). Greece has the lowest participation rate in the EU after Malta. For couples with children, the gap in the participation rate between men and women is six times bigger than for couples without children (31 p.p. and 5 p.p.). The proportion of women in part-time employment is twice as high among women (14%) compared to men (7%). On average, women work 39 hours per week and men 44 hours. The uneven concentration of women and men in different sectors of the labour market remains an issue: 23% (EU 30%) of women work in education, health and social work, compared to 8% (EU 8%) of men. Fewer women (EL 4% / EU 7%) than men (EL 20% / EU 33%) work in science, technology, engineering and mathematics (STEM) occupations. In general, Greece has very low shares of both women and men working in STEM occupations, compared to the rest of the EU Member States.

According to the latest EUROSTAT data³, the gender pay gap in Greece was 10.4% (2018) whereas across EU Member States, the gender pay gap varied by 20.4 percentage points, ranging from 1.3% in Luxembourg to 21.7% in Estonia. No information is available for Greece on the gender pay gap from the perspectives of part-time / full-time employment, age, economic activity and private / public sector.

However, in November 2020, the Hellenic Statistical Authority (ELSTAT) published, for the first time with a press release⁴, data on the structure of earnings in Greece for the year 2018. The highest deviation in mean gross annual earnings of males-females are recorded (sorted from largest to smallest) in the following sectors:

Sector	Deviation in mean gross annual earnings of men-women
Real estate activities	71.3%
Professional scientific and technical activities	46.5%;

¹ <https://eige.europa.eu/gender-equality-index/2019/domain/work/EL/family>

² The domain of work measures the extent to which women and men can benefit from equal access to employment and good working conditions.

³ https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Gender_pay_gap_statistics.

⁴ Press release 'Structure of Earnings Survey, 2018', <https://www.statistics.gr/documents/20181/77c5f491-b977-7c8d-e761-3ede7e72936f>

Wholesale and retail trade	42.1%
Information and communication	39.5%
Electricity, gas, steam and air conditioning supply	35.1%
Transportation and storage	25.5%
Construction	22.9%
Financial and insurance activities	20.6%
Arts, entertainment and recreation	18.5%
Human health and social work activities	17.8%
Manufacturing	17.4%
Administrative and support service activities	15.4%
Other service activities	13.6%
Water supply, waste management etc.	13,1%
Education	10,4%
Accommodation and food service	7.2%
Mining & quarrying	4.4%
Total/average	20.6%

In 2018 among employees with a managerial or supervisory position, men account for 62.6% whereas women 37.4%. In the same category, the age group 36-54 years predominates with 65.0% whereas the age group 55+ records 19.7% and the age group 18-35 years records 15.2%.

The relatively low gender pay gap index in Greece should be examined in the framework of the deep financial and economic crisis and the austerity measures suffered by Greece for more than 10 years (2009-2019). In a survey on the gender wage gap and the economic crisis in Greece for the year 2013, a decreasing trend for the discrimination effects was recorded which was associated to the economic crisis (Agiomirgianakis, 2018). This in line with the findings at EU level (Eurofound, 2015), showing that the observed trends of wage inequality contrast radically with developments in wider income inequality, which often moved in opposite directions. This phenomenon (occurring mostly in the southern European and Baltic Member States) was caused by the crisis having a significant impact on unemployment, which increased income inequality by drastically reducing the earnings of those who lost their jobs. At the same time, wage inequality fell as a result of some relatively low-paid segments of employment being eliminated. In such cases, the increase in unemployment had the effect of lowering the levels of inequality in the labour market, leading to a decrease in wage inequality but an increase in overall inequality levels.

2.2 Key factors influencing the gender pay gap

In Greece, as elsewhere, the gender pay gap is influenced by several key factors other than pay discrimination *per se*, such as horizontal and vertical labour market segregation, full time versus part-time work as well as unpaid care-related constraints. A positive development towards breaking the glass ceiling is the recent adoption of a gender quota of a minimum of 25% of the total of the members of the Administrative Council of limited liability companies (S.A.) listed in Greece.⁵ A considerable gender segregation in education is reflected in the Greek labour market as well: women are over-represented in studies (e.g. Education, Humanities) with the lowest wage returns.

⁵ Article 3(1)(b) Act 4706/2020, OJ A 136/17.07.2020

Gender differences in the type of degree studied explain the additional 8.4 per cent of the male-female pay gap in Greece (Livanos, 2012). A potential reason for distinct gender educational choices is that women opt for less uncertain education that consequently command lower wage premiums in the job market. Moreover, women tend to spend periods off the labour market more often than men whereas women take charge of important unpaid tasks, such as household work and caring for children or relatives on a far larger scale than men. However, in Greece more than in any other EU Member State, work-life balance has been significantly disturbed due to the austerity measures during the ten-year financial crisis (2009-2019); which included wage freezes or wage cuts in the public and private sector, personnel cuts in all sectors of the economy, cuts and restrictions in care related benefits, allowances and facilities, reduction of housing benefits or family benefits (Thanopoulou, 2016).

3 Legislative and policy measures to support equal pay

3.1 National legislation and case law on equal pay

The principle of equal pay for equal work or work of equal value has been enshrined in Article 22(1)(b) of the Greek Constitution ('all workers, irrespective of sex or other distinctions, have a right to equal pay for work of equal value') since 1975; this provision exceeds the scope of Article 157 Treaty on the Functioning of the EU (TFEU), as it covers any ground whatsoever and is not limited to sex. This principle is also implemented in Article 4(1) of Act 3896/2010 transposing Article 4 Directive 2006/54/EC in a positive way ('men and women have a right to equal pay for equal work or work of equal value'), in accordance with the rights-based wording of Article 22(1)(b) of the Constitution, as well as with the jurisprudence of the Court of Justice of the EU. Neither the Constitution nor specific legislation allows any derogation from the equal pay principle; therefore, any justification is excluded.

According to the general provisions of Act 3896/2010, transposing Directive 2006/54, any direct or indirect discrimination on grounds of sex is prohibited with regard to all aspects and conditions of employment, including remuneration. Act 3896/2010 defines the concept of pay in line with the definition of Article 157 TFEU ('any kind of wages and salary and all the other benefits that are offered directly or indirectly from any source, in cash or in kind, by the employer to the employee because of or in the context of the employment of the latter'). The concept of 'pay' includes all elements of remuneration due by law, collective agreement, employment contract or practise at the level of the enterprise. Article 4(2)(a) of the Act 3896/2010 copies Article 2 of the Directive, requiring that, 'when a professional classification system is used, it must be based on common criteria for men and women and be applied so as to exclude discrimination based on sex', but it refers to 'professional' instead of 'job' classification. Also, Article 4(2)(b) of the Act reads: 'When systems of personnel evaluation related to the evolution of their pay are designed and applied, the equal treatment principle must be observed and no discrimination on grounds of sex or family status is allowed.' This provision exceeds the Directive, as it adds 'family status' next to 'sex'. However, the terms 'professional' and 'personnel' are misleading; they may imply that the classification and evaluation concern the worker rather than the content of the work, as required by the CJEU.⁶

Whereas the concept of pay is considered sufficiently clear in Greece, the notion of 'equal value' is still unclear to litigants and judges and it is not applied, although it has been included in Article 22(1) of the Constitution since 1975 and in legislation since 1984 (in the act transposing Directive 75/117/EEC). The legislation does not indicate value assessment criteria or parameters for establishing the equal value of the work performed, such as the nature of the work or the training and working conditions.

⁶ CJEU, 1 July 1986, *Rummler*, C-237/85, par.13.

Consequently, this notion is unclear to litigants and judges, so in most cases the comparison concerns the same work aspect. Some judgments vaguely refer to the 'same nature and value' of the jobs without questioning the job classification. The typical reasoning of the court is as follows: the equal pay principle applies to 'workers employed by the same employer, who belong to the same category, have the same formal qualifications and provide the same services aimed at serving the same category of needs, under the same conditions'.⁷ So, workers having different qualifications or performing different duties are not compared, even where they perform the same work, for the same employer, under the same conditions. Some judgments require that the content of the work be specified, but the criteria are unclear. In this regard, it is imperative that the transposing national law sets clear, objective and gender-neutral criteria of assessment of work of equal value to help employees identifying comparators performing different work of equal value. It will also help employers to better categorize and remunerate job positions and social partners to better structure the job classification used in collective labour agreements for determining pay scales.

In spite of a preliminary CJEU ruling in the Greek case *Nikoloudi vs OTE*,⁸ which concerned, *inter alia*, indirect discrimination in pay resulting from the refusal of an employer to allow female cleaners the possibility of being appointed as permanent members of staff, there is no other case law on indirect discrimination in equal pay cases whereas there is limited case law on direct discrimination.⁹ As a general rule, in equal pay cases, levelling-up has been traditionally applied¹⁰.

Moreover, in practice employees do not raise a claim to the Labour Inspectorate and to the Ombudsman (the Equality body) for gender equal pay disputes.

3.2 No national legislation, case law or policy on pay transparency

To date, the issue of pay transparency has not been addressed by the Greek legislation, the jurisprudence, the Ombudsman or the social partners. Recommendation 2014/124 has not triggered any public or societal debate and has not been implemented due to its non-binding nature.

For the purposes of pay transparency measures, a distinction should be made between the public and private sectors in Greece. In the public sector, the issue of the right to information is of limited importance as a single wage grid applies¹¹ and its implementation is supervised by the Single Payment Authority Application (EAP)¹². Unlike Estonia, there is no variable part of the salary (e.g. based on performance) of a public servant or employee of the public sector.

On the contrary, in the private sector pay transparency is fundamental for the adequate enforcement of the fundamental right to equal pay. As in Estonia, the workers are entitled to information on their individual pay level by law: the applicable pay should be notified by writing as an essential condition applicable to the contract or employment relationship according to Directive 91/533 and its transposing law; moreover, an

⁷ Supreme Civil Court 628/2020, Supreme Civil Court (Full Section) 13/2003.

⁸ CJEU, C-196/02, *Vasiliki Nikoloudi v Organismos Tilepikoinonion Ellados AE*, 10 March 2005.

⁹ Family allowances paid by the employer [Supreme Civil and Penal Court (SCPC) (Plenary) No. 3/1995 (landmark judgment)]; non-recognition of unpaid parental leave as working time for the purpose of the calculation of the pay although this period had been recognised as insurable time by the social security scheme through payment of both the employer's and the employee's contribution by the employee (Athens Court of Appeal judgment No. 3693/2018); different age limits set for a supplementary compensation paid the employer according to the provisions of a company collective agreement [SCPC (Civil section) judgment No. 214/2017]; different age limits for the distribution of the capital of a group insurance scheme following the transfer of a bank and the refusal of the successor employer to continue it [SCPC (Civil section) judgments Nos. 603/2017 and 604/2017].

¹⁰ SCPC (Full Court) judgment No. 3/1995; SCPC judgment No. 214/2017. In contrary, SCPC judgments Nos. 603/2017 and 604/2017 opted for levelling-down.

¹¹ Act 4354/2015, OJ A 176/16.12.2015.

¹² The Single Payment Authority Application (EAP) was established as a distinct Service of the General Accounting Office of the Ministry of Finance by Article 5 of the Joint ministerial Decision No. 2/37345/0004, OJ B 784/4.6.2010.

analytical wage slip has to be provided by the employer at the time of the payment of the wages.¹³ Administrative fines are provided in case of breach of these obligations.

3.2.1 Right to information on pay levels prior to or during the employment

Unlike Estonia, there is no provision on the right of workers to request information from their employer on their individual pay level as compared to the average pay levels, classified by sex, for categories of workers doing the same work or work of equal value (Article 7 of the Proposal for a Directive on Pay Transparency).¹⁴ Furthermore, there is no provision on pay transparency prior to employment (i.e. information on pay to be provided in a job vacancy notice or otherwise prior to the job interview without the applicant having to request it or prohibition of the employer's asking prospective workers about their pay history) (Article 5 of the Proposal for a Directive).

3.2.2 Transparency of pay setting and career progression policy /Reporting on pay gap between female and male workers/Joint pay assessment

Article 26(3), (4) Act 3896/2010, OJ A 207/8.12.2020, transposing Article 30 Directive 2006/54, provides that *at regular intervals* employers shall provide, *upon request*, the appropriate information to employees, their representatives, the Ombudsman (the Equality Body) and the Department for Gender Equality of the Ministry of Labour and Social Affairs. This information may include the proportion of men and women in different levels of the organisation of the enterprise and on the measures envisaged for the amelioration of the situation in collaboration with the representatives of the employees. The services of the Ministry of Employment and Social Affairs are obliged to provide to trade unions and to individual employees any information and data on issues governed by Act 3896/2010. The inclusion of the phrase 'upon request' seems to contradict the (already vague *per se*) phrase 'at regular intervals' which implies the obligation to provide such data periodically, irrespective of a petition (*ex proprio motu*). Although theoretically this provision could serve as the legal basis for reporting on pay levels, it is imperfect in that it does not provide any sanctions in case of breach. To date, there is limited awareness of this provision among various stakeholders; there has been no relevant recourse to the Labour Inspectorate and to the Ombudsman and no relevant case law. With the exception of the said provision, there is no provision on the employer's obligation to make accessible to workers a description of the criteria used to define their pay and career progression (Article 6 of the Proposal for a Directive). Furthermore, like in Estonia, there is no provision requiring employers, irrespective of the number of employees, to make publicly available and accessible certain information such as the pay gender gap between workers by categories of workers in their organisation, broken down by ordinary basic salary and complementary or variable components (Article 8 of the Proposal for a Directive). Additionally, employers are not obliged to a joint pay assessment (Article 9 of the Proposal for a Directive).

3.2.3 Data protection

In Greece, there is no specific legal provision on data protection in connection with pay transparency (Article of the Proposal for a Directive). To date, the Greek Authority for the Protection of Personal Data (APPD) has not dealt with the issues of disclosure, either directly or indirectly, of the pay of an identifiable co-worker and/or of the provision of

¹³ Article 18(1) Act 1082/1980, OJ A 250/29.10.1980, as amended by Article first, subparagraph I.A.5 of Act 4254/2014, OJ A 85/7.4.2014.

¹⁴ Proposal for a Directive of the European Parliament and of the Council to strengthen the application of the principal of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms, COM(2021) 93 final.

information on pay levels and its public availability. However, two landmark APPD decisions could serve as a legal precedent in equal pay/pay transparency cases.^{15,16}

3.2.4 Social dialogue/collective bargaining/implementation by social partners

Since the incorporation of the gender equality principle in the Greek Constitution, the social partners have often raised gender equality issues in collective bargaining and have gradually eradicated direct discrimination in pay although in some sectoral collective agreements female denominations for specific professional categories still exist. In the past, the CJEU in *Commission vs Greece* found the Greek State to be liable for sex discrimination deriving from collective agreements.¹⁷ Despite this judgment, Greece has not complied with the above positive obligation, in particular regarding job classification in collective agreements to the detriment of women. To date, professional classifications in collective agreements are based on felt-fair, traditional, non-transparent criteria; this situation remains unchanged and the under-classification of predominantly female categories seems to persist, making indirect discrimination very probable.¹⁸ There has been no dialogue between the social partners on the requirement of gender neutral classification systems and pay transparency in general and no review of job classifications in collective agreements has ever been undertaken although social dialogue on equal pay issues is provided by law¹⁹.

At policy level, Greece has not adopted any comprehensive and efficient strategic plans aiming to reduce the gender pay gap. At the cut-off date of this report, the national strategy on gender equality in implementation of the European Gender Equality Strategy 2020-2025²⁰ has not been adopted. Employers and social partners have not been supported to address the gender pay gap within job classification systems at the enterprise level or within collective labour agreements. Digital tools have not been developed and used. To conclude, Greece has not effectively enforced in practice the fundamental right to equal pay for work of equal value whereas pay transparency is totally lacking.

¹⁵ APPD, Decision No 1/2008: a severe fine was imposed to a private employer for refusing to provide data to an employee on the comparative evaluation of the enterprise's personnel which would help him substantiate a complaint for unequal treatment on the other protected grounds (not sex).

¹⁶ APPD, Decision No 28/2018: the Greek Manpower Organisation was allowed to provide sensitive data (regarding disability and unemployment) of the successful candidate on the basis of which the assessment took place, to the unsuccessful candidate; the latter was considered to have such a legitimate interest in order to lodge a relevant complaint in time. In contrast, it was found that simple (non-sensitive) personal data should be provided by the employer without need of a prior permission by the APPD.

¹⁷ CJEU, judgment of 28 October 1999, *Commission of the European Communities v Hellenic Republic*, C-187/98, par. 46-50. According to the Court of Justice, Member States have the positive obligation to ensure the full protection of workers against pay discrimination deriving from a collective agreement which does not fully guarantee the equal pay principle. The fact that the Government of a Member State does not take part in the negotiation of collective agreements cannot absolve it of its obligation to adopt such complementary provisions as may be required to ensure compliance with the requirements of Community rules. Although Member States may leave the implementation of the principle of equal pay in the first instance to representatives of management and labour, that possibility does not, however, discharge them from the obligation of ensuring, by appropriate legislative and administrative provisions, that all workers in the Community are afforded the full protection provided for by the equal pay directive. That State guarantee must cover all cases where effective protection is not ensured by other means, for whatever reason, and, in particular, in cases where the workers in question are not union members, where the sector in question is not covered by a collective agreement or where such an agreement does not fully guarantee the principle of equal pay. In this line, the Proposal for a Directive provides that even if Member States are explicitly allowed to entrust implementation to social partners, they still have to ensure at all times that the outcomes required by the Pay Transparency Directive are guaranteed (Article 30).

¹⁸ Koukoulis-Spiliotopoulos, S. (2008), 'Gender equality in Greece and effective judicial protection', NZA 2/2008, p.77.

¹⁹ Article 29(1) Act 3896/2010, transposing Article 21 of Directive 2006/54.

²⁰ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, A Union of Equality: Gender Equality Strategy 2020-2025, COM(2020) 152 final.

4 Considerations for future policies and initiatives

In this context, like in Estonia, there is an evident need for action in the form of legally binding rules to ensure compliance with the principle of equal pay between men and women for equal work or work of equal value. The measures included in the recent Commission's proposal for a Directive on pay transparency are brave, innovative and crucial for achieving equal pay.²¹ However, the legislative measures on pay transparency at EU level should be coupled with the development of national policies and digital tools tailored to the needs of the national labour markets.

According to the Estonian report, the 'Statistics Estonia wages and salaries application' features only the comparison with employees of the same sex. Thus, instead of raising awareness on pay differentials, it may discourage women from negotiating higher pay with the employer and/or encourage employers to level-down women's pay to the lower average salary, perpetuating the gender pay gap.

By contrast, the digital tool 'Pay mirror for entrepreneurs' is employer-specific and more tailored to the needs of particular enterprises as it reflects the special weight of criteria used for the categorisation of workers performing work of equal value within the enterprise. Such a tool falls under Article 8(1)(g) of the Proposal for a Directive, which obliges companies with at least 250 workers to proceed with reporting providing access to workers and their representatives, labour inspectorate and the equality body. In my opinion, Member States should be encouraged to develop and provide for free such digital tools to all interested enterprises, irrespective of their size. This would enable micro, small and medium-sized companies to engage in this kind of reporting on a voluntary, self-regulatory basis without additional costs. Such an initiative could be coupled with a positive action in the form of equality mark awards, a measure recently adopted by the Greek law but not yet activated in practice.²²

The Commission's proposal for a Directive on pay transparency comes at a point when concerted EU action is more important than ever due to the Covid-19 crisis which has hit female workers especially hard in terms of both employment positions and wages. The Directive will ensure a positive trajectory during the crisis and in the recovery therefrom. Its ratification and implementation by the Member States is a crucial commitment in this direction. Fundamental rights are not a 'luxury' to be addressed only during the periods of prosperity but a precondition for social cohesion to defend at any time. After all, women are more than half the population.

5 Questions

- Does the pay mirror toolbox elaborate only the existing data from a specific public register (e.g. employment data registers) or can it cross-check with other pertinent public registers (e.g. fiscal or social security statements) where the actual pay (including non-periodical productivity bonuses) appear?
- Is a specific employer allowed to enter data to the digital tool or can this only be done by the public entity that have access to it?

²¹ Namely: pay transparency prior to employment (Article 5), transparency of pay setting and career progression policy (Article 6), right to information (Article 7), reporting on pay gap between female and male workers (Article 8), joint pay assessment (Article 9), automatic shift of the burden of proof in case of non-compliance with the pay transparency obligations set out by the Directive (Article 18), compliance with obligations relating to equal pay between men and women as condition in the performance of public contracts or concessions (Article 21).

²² Article 21 of Act 4604/2019 provides for the first time a new public policy for equality mark awards. Equality marks are awarded by the General Secretariat for Equality to companies in the public and private sector who excel in the implementation of policies aiming at the equal treatment of and equal opportunities for working women and men.

- Are the results of pay mirroring of a specific enterprise made public or do they remain undisclosed only for use by the public authorities?
- In the latter case, is a potential stakeholder (e.g. an employee alleging to be a victim of pay discrimination or trade union of the enterprise/sector or a women's NGO) allowed access to this data and to data of other comparable enterprises in the sector? If yes, under what circumstances?

6 List of references

Agiomirgianakis, G. & Bersatos, G. & Tsounis, N., (2018), Gender Wage Gaps and Economic Crisis in Greece, *International Review of Applied Economics*, Volume 33 (Issue 2), pp. 254-276.

Burri, S. (2019), *National cases and good practices on equal pay*, European Network of legal experts in gender equality and non-discrimination (EELN), European Commission, available at: <https://www.equalitylaw.eu/downloads/5002-national-cases-and-good-practices-on-equal-pay>

Eurofound (2015), *Recent developments in the distribution of wages in Europe*, Publications Office of the European Union, available at: https://www.eurofound.europa.eu/sites/default/files/ef_publication/field_ef_document/ef1510en.pdf

Hellenic Statistical Authority (ELSTAT), (2020), Press release 'Structure of Earnings Survey, 2018', available at: <https://www.statistics.gr/documents/20181/77c5f491-b977-7c8d-e761-3ede7e72936f>

Livanos, I. & Pouliakas, K. (2012), Educational segregation and the gender wage gap in Greece, *Journal of Economic Studies*, Volume 39, pp. 554-575.

Kabouri, N. (2013), *Gender equality in the Greek labour market: The gaps narrow, inequalities persist*, Berlin, Friedrich Ebert Stiftung, available at: <https://library.fes.de/pdf-files/id/09822.pdf>

Petroglou, P. (2020), Η Δ.Σ.Ε. 190 και η Σύσταση 206 του Ιουνίου 2019 -Αναγνώριση της σεξουαλικής παρενόχλησης και της παρενόχλησης λόγω φύλου στην εργασία ως μορφών έμφυλης βίας, *Επιθεώρησης Εργατικού Δικαίου (Labour Law Review)*, 2020/9, pp. 993-1008.

Thanopoulou, M. & Tsiganou, J. (2016), *Gender in science without numbers – Main results of case studies*, Athens, National Centre for Social Research.

Annex 1 Summary table

The main points covered by the paper are summarised below.

Situation in the peer country

- According to the EIGE gender equality index in the domain of work, Greece has the second lowest score in the EU (64.2).
- According to the latest EUROSTAT data, the gender pay gap in Greece was 10.4% (for the year 2018), compared to 21.7% in Estonia.
- The relatively low gender pay gap in Greece is due to the deep financial and economic crisis and the austerity measures that were implemented in the 10-year period after the crisis (2009-2019): the increase in unemployment had the effect of lowering the levels of inequality in the labour market, leading to a decrease in wage inequality but an increase in the overall inequality levels.
- First-ever statistics on the gender pay gap in Greece from a sector perspective were published in late 2020; no available statistical data on the gender pay gap from the perspectives of part-time / full-time employment, age, economic activity and private / public sector are available.
- The 10-year period following the economic crisis (2009-2019) had a negative impact on work-life balance and on the public debate on gender equality issues, including the gender pay gap.

Legislative and policy measures to support equal pay

- Article 4 Act 3896/2010 simply copies Article 4 Directive 2006/54, proceeding in a merely typical transposal. It does not provide either for value assessment criteria or for parameters for establishing the equal value of the work performed, such as the nature of the work or the training and working conditions.
- No case law on the provisions of Article 4(1) of the transposing Act 3896/2010, but rather in general on the equal pay principle enshrined in this provision and in the constitutional provision of Article 22(1)(b) on equal pay. The notion of 'equal value' is unclear to litigants and judges, so in most cases the comparison concerns the same work aspect. Some judgments vaguely refer to the 'same nature and value' of the jobs without questioning the job classification.
- In spite of a preliminary CJEU ruling in the Greek case *Nikoloudi vs OTE*, which concerned, *inter alia*, indirect discrimination in pay, there is no case law on indirect discrimination in equal pay cases.
- To date the issue of pay transparency has not been addressed by the Greek legislation, the jurisprudence and the Ombudsman. Recommendation 2014/124 has not been implemented and has not had any influence on the Greek policy debate. Neither, has there been any dialogue between the social partners on the requirement of gender-neutral classification systems and pay transparency.

Considerations for future policies and initiatives

- Need for new legislative provisions on the right of employees to obtain information on pay levels and on the obligation of the employers to report thereon.
- The new provisions should address the issue of the State's liability in case of discriminatory pay clauses (e.g. job classification) in collective agreements, as established by the CJEU case law. This is crucial given that trade unions do not seem to have at the top of their agenda the issue of pay discrimination on the ground of sex in job classification as they are regularly involved in the establishment of pay scales by collective agreements, which they are not keen to challenge.
- Need for effective, proportionate and dissuasive sanctions to be imposed by the Labour Inspectorate, even *ipso jure*.

- Digital tools focused on gender pay gap to be offered for free, accessible for all stakeholders (employers, employees, Ombudsman, Labour Inspectorate)
- Support by the MS of the Directive on pay transparency²³ to trigger national legislative reforms or social dialogue.

Questions

- Does the pay mirror toolbox elaborate only the existing data from a specific public register (e.g. employment data registers) or can it cross-check with other pertinent public registers (e.g. fiscal or social security statements) where the actual pay (including non-periodical productivity bonuses) appear?
- Is a specific employer allowed to enter data to the digital tool or can this only be done by the public entity that have access to it?
- Are the results of pay mirroring of a specific enterprise made public or do they remain undisclosed only for use by the public authorities?
- In the latter case, is a potential stakeholder (e.g. an employee alleging to be a victim of pay discrimination or trade union of the enterprise/sector or a women's NGO) allowed access to this data and to data of other comparable enterprises in the sector? If yes, under what circumstances?

²³ Proposal for a Directive of the European Parliament and of the Council to strengthen the application of the principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms, {SEC(2021) 101 final} - {SWD(2021) 41 final} - {SWD(2021) 42 final}.

